

# House Study Bill 271

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL  
BY CHAIRPERSON VAN  
FOSSEN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the requirements for receiving a property tax  
2 exemption for open prairies and wildlife habitats and  
3 including an applicability date provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2140HC 80  
6 mg/cl/14

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1 1 Section 1. Section 427.1, subsection 22, unnumbered  
1 2 paragraphs 2 and 5, Code 2003, are amended to read as follows:  
1 3 Application for this exemption shall be filed with the  
1 4 commissioners of the soil and water conservation district in  
1 5 which the property is located, not later than February 1 of  
1 6 the assessment year, on forms provided by the department of  
1 7 revenue and finance. The application shall describe and  
1 8 locate the property to be exempted and have attached to it an  
1 9 aerial photo of that property on which is outlined the  
1 10 boundaries of the property to be exempted. In the case of an  
1 11 open prairie, the property shall be inspected and certified as  
1 12 provided by the county board of supervisors as having adequate  
1 13 ground cover consisting of native species and that all primary  
1 14 and secondary noxious weeds present are being controlled to  
1 15 prevent the spread of seeds by either wind or water. In the  
1 16 case of an open prairie which is or includes a gully area  
1 17 susceptible to severe erosion, an approved erosion control  
1 18 plan must accompany the application. Upon receipt of the  
1 19 application, the commissioners shall certify whether the  
1 20 property is eligible to receive the exemption. The  
1 21 commissioners shall not withhold certification of the  
1 22 eligibility of property because of the existence upon the  
1 23 property of an abandoned building or structure which is not  
1 24 used for economic gain. If the commissioners certify that the  
1 25 property is eligible, the application shall be forwarded to  
1 26 the board of supervisors by May 1 of that assessment year with  
1 27 the certification of the eligible acreage. An application  
1 28 must be accompanied by an affidavit signed by the applicant  
1 29 that if an exemption is granted, the property will not be used  
1 30 for economic gain during the assessment year in which the  
1 31 exemption is granted.  
1 32 The board of supervisors does not have to grant tax  
1 33 exemptions under this subsection, grant tax exemptions in the  
1 34 aggregate of the maximum acreage which may be granted  
1 35 exemptions, or grant a tax exemption for the total acreage for  
2 1 which the applicant requested the exemption. Only real  
2 2 property in parcels of two acres or more which is recreational  
2 3 lakes, forest cover, river and stream, river and stream banks,  
2 4 or open prairie and which is utilized for the purposes of  
2 5 providing soil erosion control or wildlife habitat or both,  
2 6 and which is subject to property tax for the fiscal year for  
2 7 which the tax exemption is requested, is eligible for the  
2 8 exemption under this subsection. However, in addition to the  
2 9 above, in order for a gully area which is susceptible to  
2 10 severe erosion to be eligible, there must be an erosion  
2 11 control plan for it approved by the commissioners of the soil  
2 12 and water conservation district in which it is located. In  
2 13 the case of an open prairie, the property shall be inspected  
2 14 and certified as provided by the county board of supervisors  
2 15 as having adequate ground cover consisting of native species  
2 16 and that all primary and secondary noxious weeds present are  
2 17 being controlled to prevent the spread of seeds by either wind  
2 18 or water. In the case of an exemption for river and stream or  
2 19 river and stream banks, the exemption shall not be granted  
2 20 unless there is included in the exemption land located at  
2 21 least thirty-three feet from the ordinary high water mark of

2 22 the river and stream or river and stream banks. Property  
2 23 shall not be denied an exemption because of the existence upon  
2 24 the property of an abandoned building or structure which is  
2 25 not used for economic gain. If the real property is located  
2 26 within a city, the approval of the governing body must be  
2 27 obtained before the real property is eligible for an  
2 28 exemption. For purposes of this subsection:

2 29 Sec. 2. Section 427.1, subsection 22, Code 2003, is  
2 30 amended by adding the following new unnumbered paragraph:  
2 31 NEW UNNUMBERED PARAGRAPH. In the case of an open prairie  
2 32 that does not receive the certification as provided by the  
2 33 county board of supervisors as it relates to the ground cover,  
2 34 the applicant shall be notified of the availability of  
2 35 resource enhancement and protection fund cost-share moneys and  
3 1 soil and conservation technological assistance for  
3 2 reestablishing native vegetation.

3 3 Sec. 3. Section 427.1, subsection 24, Code 2003, is  
3 4 amended to read as follows:

3 5 24. LAND CERTIFIED AS A WILDLIFE HABITAT. The owner of  
3 6 agricultural land may designate not more than two acres of the  
3 7 land for use as a wildlife habitat. After inspection, if the  
3 8 land meets the standards established by the natural resource  
3 9 commission for a wildlife habitat under section 483A.3, and  
3 10 after the property is inspected and certified as provided by  
3 11 the county board of supervisors as having adequate ground  
3 12 cover consisting of native species and that all primary and  
3 13 secondary noxious weeds present are being controlled to  
3 14 prevent the spread of seeds by either wind or water, the  
3 15 department of natural resources shall certify the designated  
3 16 land as a wildlife habitat and shall send a copy of the  
3 17 certification to the appropriate assessor not later than  
3 18 February 1 of the assessment year for which the exemption is  
3 19 requested. The department of natural resources may  
3 20 subsequently withdraw certification of the designated land if  
3 21 it fails to meet the established standards for a wildlife  
3 22 habitat and the ground cover requirement and the assessor  
3 23 shall be given written notice of the decertification.

3 24 In the case where the property does not receive the  
3 25 certification as provided by the county board of supervisors  
3 26 as it relates to the ground cover, the owner shall be notified  
3 27 of the availability of resource enhancement and protection  
3 28 fund cost-share moneys and soil and conservation technological  
3 29 assistance for reestablishing native vegetation.

3 30 Sec. 4. APPLICABILITY DATE. This Act applies to  
3 31 assessment years beginning on or after January 1, 2004.

3 32 EXPLANATION

3 33 This bill requires that before property which is an open  
3 34 prairie or wildlife habitat receives a property tax exemption,  
3 35 the county board of supervisors must provide for certification  
4 1 that the property has adequate ground cover consisting of  
4 2 native species and that all primary and secondary noxious  
4 3 weeds are being controlled to prevent the spread of seeds by  
4 4 wind or water. The bill also provides that if the property  
4 5 does not receive such certification, that the owner be told of  
4 6 the availability of resource enhancement and protection fund  
4 7 cost-share moneys and technological assistance for  
4 8 reestablishing native vegetation.

4 9 The bill applies to assessment years beginning on or after  
4 10 January 1, 2004.

4 11 LSB 2140HC 80

4 12 mg/cl/14